

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Genaro G. Rodriguez,

Plaintiff,

vs.

J. Al Cannon, Jr., Sheriff of Charleston
County Sheriff's Office; Medical Staff, of
Charleston County Detention Center; Kori
Baker, Physician's Assistant; Reggie
Tippett, Doctor; NFN Peinning Doctor;
Parr Caldwell, Director of Nursing; Correct
Care Solutions, LLC, and all Subsidiaries,

Defendants.

C.A. No.: 4:05-3040-RBH

O R D E R

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Thomas E. Rogers, III, filed on April 3, 2006, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

The Report and Recommendation was mailed by the Clerk to the plaintiff on April 3, 2006.¹ The plaintiff notified the court of a change of address on April 17, 2006. The Clerk then mailed him a second Roseboro Order on April 17, 2006 to the new address. The Report and Recommendation of the Magistrate Judge was re-mailed to the plaintiff on April 19, 2006. The plaintiff has filed no documents in opposition to the motion for summary judgment or any objections to the Report and Recommendation after it was re-mailed to him at his new address.

In the absence of objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge Rogers' Report and Recommendation as modified and incorporates it herein. It is therefore

ORDERED that the plaintiff's complaint is dismissed pursuant to Fed.R.Civ. Proc. 41(b).

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
May 23, 2006

¹ On April 13, 2006, the defendants filed a motion to dismiss for failure to prosecute which is now moot.